IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3319 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE
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1.   Whether Reporters of Local Papers may be allowed
        to see the judgements?

2.   To be referred to the Reporter or not?

3.   Whether Their Lordships wish to see the fair copy
        of the judgement?

4.   Whether this case involves a substantial question
        of law as to the interpretation of the Constitution
        of India, 1950 of any Order made thereunder?

5.   Whether it is to be circulated to the Civil Judge?

ROSELIN A ENGINEER
Versus
DIRECTOR OF EDUCATION

Appearance:
     MR KV SHELAT for Petitioner
     MS HARSHA DEVYANI for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE
Date of decision: 18/11/97

ORAL JUDGEMENT
     1. The learned counsel for the petitioner contended
     that the respondents have committed a serious illegality
     in not granting approval to the petitioner for additional
     classes in Standards II, III and VII from June, 1984.

     2. This Court has not protected the petitioner by
     grant of interim relief.   The learned counsel for the
     petitioner is unable to show whether after the

declination of permission for starting the additional classes aforesaid it has applied fresh for approval for starting of the aforesaid classes or not. After so many years, I do not find any justification now to decide this matter on merits. It is always open to the petitioner to apply fresh for grant of approval to start the additional classes in the school and if such an application is moved it has to be decided in accordance with law.

3. In the result, though this special civil application is dismissed but it is made clear that it shall be open to the petitioner to apply fresh, if it considers necessary for approval to start the additional classes in the school and if such an application is moved then the competent authority shall decide the same in accordance with law. The special civil application is dismissed. Rule is discharged subject to the aforesaid directions with no order as to costs.

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